

COMPLAINT INVESTIGATION SUMMARY

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| COMPLAINT NUMBER: | 1739.01 |
| COMPLAINT INVESTIGATOR: | Steve Starbuck |
| DATE OF COMPLAINT: | April 30, 2001 |
| DATE OF REPORT: | May 29, 2001 |
| REQUEST FOR RECONSIDERATION: | yes |
| DATE OF CLOSURE: | September 21, 2001 |

COMPLAINT ISSUES:

Whether the Jay School Corporation violated:

511 IAC 7-27-2(a) with regard to the school's alleged failure to schedule case conference committee (CCC) meetings with the parent at a mutually agreed upon date, time, and location.

511 IAC 7-27-2(a) with regard to the school's alleged failure to utilize other methods to ensure the participation of a parent who cannot attend a CCC meeting in person.

511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written, specifically, failing to provide daily resource room services.

FINDINGS OF FACT:

1. The student is twelve years old, attends the sixth grade, and has been determined eligible for special education due to a mild mental disability.
2. The director reports that on April 9, 2001, the student's teacher of record sent home with the student a letter that indicated annual case reviews would be convened on the afternoon of April 23, 2001. The parent states she never received such a letter. A Case Conference/Annual Case Review form was sent home with the student on April 18, 2001, reflecting that a CCC meeting had been scheduled for April 23, 2001, at 3:30 p.m. The form indicates that unless the parent informed school personnel no later than April 20, 2001, that this time was not agreeable, the CCC meeting would be convened as scheduled. The parent called the school on April 19, 2001, and left a voice mail message that she could not attend the CCC meeting scheduled for April 23rd. She also sent a note to school with her son indicating she could not attend this meeting. The note was received by the student's teacher of record on April 20th. The parent's note indicated it was very difficult for the parent to take time off from work, and that it would be better for the parent if a CCC meeting could be scheduled by 7:00 a.m. or after 5:30 p.m. during the week. The student's teacher of record responded to the parent's note by a letter. The letter dated April 20, 2001, states that a CCC meeting had been scheduled for 3:30 p.m. on April 23rd, which the school planned to go ahead and convene. The parent was also informed by the letter that the parent could make an appointment at some other time to come by the school to pick up the paperwork developed at the CCC meeting. The director reports the convening of CCC meetings have been handled in a similar manner in the past with this parent. The parent states that she called the school principal on the evening of April 22, 2001, and voiced her concern about convening a CCC meeting without her

attendance. Due to this telephone call, the CCC meeting was not been convened on April 23rd. The parent reports since this incident school personnel have been very cooperative. Although the parent's advocate has had difficulty finding an available date to meet with the parent and school personnel, a CCC meeting has been tentatively scheduled for May 31, 2001.

3. The director acknowledges that school personnel did not offer to utilize any other methods, such as a telephone conference call, to ensure the parent's participation in the CCC meeting without having to attend the meeting in person.
4. Page five of the IEP dated September 25, 2000, indicates the student shall receive resource room services for thirty minutes each day. The teacher of record reports it was her understanding that the student was to initiate utilization of the resource room service to assist him in learning responsibility. There is nothing written in the IEP that indicates it is the student's responsibility to initiate participation in the resource room service. The teacher of record estimates that the student has utilized the resource room service about 80 to 85 percent of the time during the 2000-2001 school year. The teacher of record states that she did not maintain a log of when and for how long the student actually used the resource room this school year.

CONCLUSIONS:

1. Finding of Fact #2 reflects that the school initially scheduled the CCC meeting at a date and time not mutually agreed upon by the parent. However, the school subsequently rescheduled the meeting at a mutually agreed upon date and time. Therefore, no violation of 511 IAC 7-27-2(a) is found.
2. Finding of Fact #3 indicates that the school failed to utilize other methods to ensure the participation of a parent who cannot attend a CCC meeting in person. Therefore, a violation of 511 IAC 7-27-2(a) is found.
3. Finding of Fact #4 reflects that the school failed to ensure the student received resource room services for thirty minutes each day. Therefore, a violation of 511 IAC 7-27-7(a) is found.

The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Jay School Corporation shall:

1. Inservice all appropriate school personnel as to the requirements specified in 511 IAC 7-27-2 and 511 IAC 7-27-7. Submit documentation to the Division that the inservice training has been completed no later than September 21, 2001. The documentation shall include a list or an agenda of all issues discussed, any handouts that were distributed, and a list of attendees by name and title.
2. Submit a letter of assurance to the Division no later than June 15, 2001, that ensures all IEPs developed for the student shall be implemented as written. The letter shall be signed by the director.
3. Convene a CCC meeting no later than September 14, 2001, to determine the student's need for compensatory educational services. The Case Conference Summary shall reflect that the CCC

thoroughly addressed the student's need for compensatory services. Submit the Case Conference Summary and any revised IEP to the Division no later than September 21, 2001.

DATE REPORT COMPLETED: May 29, 2001